

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
Telecommunications Carriers Eligible to Receive)	
Universal Service Support)	WC Docket No. 09-197
)	
Petition for Designation as an Eligible)	
Telecommunications Carrier Pursuant to)	
Section 214(e)(6) of the Act.)	

**SUPPLEMENT TO
NORTHERN ARAPAHO TRIBAL INDUSTRIES, INC. d/b/a WIND RIVER
INTERNET’S PETITION FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER**

I. Introduction and Background

On September 26, 2018, Northern Arapaho Tribal Industries, Inc. (“NATI”) d/b/a Wind River Internet (“WRI” or the “Company”), a winning bidder in the Connect America Fund Phase II auction (“CAF Phase II”),¹ filed a Petition with the Federal Communications Commission (“Commission”) to be designated as an Eligible Telecommunications Carrier (“ETC”) within the boundaries of the Wind River Indian Reservation in Wyoming.² This Supplement to the pending ETC Petition (“Supplement”) provides further details regarding WRI’s request to be designated

¹ On August 28, 2018, NATI was named a winning bidder in Auction 903, the Commission’s Connect America Fund Phase II Auction. *Connect America Fund Phase II Auction (Auction 903) Closes, Winning Bidders Announced, FCC Form 683 Due October 15, 2018*, Public Notice, Docket Nos. AU 17-182 and WC 10-90 (Rel. August 28, 2018)(“*Auction 903 Closing Public Notice*”), Attachment A at 7. Accordingly, NATI has filed this Petition for designation as an ETC. Although NATI is the legal entity that is the winning bidder, Wind River Internet is used as the name of the Petitioner, since that is the name of its telecommunications and broadband services operating entity provider.

² The ETC petition was filed with the Commission pursuant to its exclusive jurisdictional authority under Section 214(e)(6) of the Communications Act as amended, and Section 54.201(d) of the Commission’s Rules. 47 C.F.R. § 54.201(d). The FCC issued a Public Notice of WRI’s Petition for ETC Designation on October 3, 2018, DA 18-1019 in WC Docket No. 09-197. No party has filed any opposition to or comments on WRI’s Petition.

as an ETC to offer Tribal Lands Lifeline services to qualifying Tribal residents throughout its Tribal service area, including Tribal Lands Lifeline-Only services in ETC areas outside of the CAF Phase II census block groups for which it has been awarded high cost support. In addition, WRI seeks Tribal Lands Link Up support for initial installations to qualifying subscribers for a primary residence within its ETC-designated service area.³

Specifically, this request for designation includes the ZIP Codes as outlined on

Supplemental Exhibit A.

WRI filed its Petition for ETC designation with the Commission on September 26, 2018.⁴ WRI incorporates by reference, the discussion in its Petition regarding the Commission's exclusive jurisdiction to review the Petition, and to designate WRI as a Tribally-owned ETC operating within the boundaries of, and subject to the regulatory authority and jurisdiction of, the federally recognized Northern Arapaho Tribe of the Wind River Reservation. Accordingly, WRI is not subject to the jurisdiction of any state regulatory authority.⁵

As a potential ETC receiving CAF Phase II high cost support, WRI is required to offer Lifeline services to qualifying subscribers within its designated service areas, both Basic Internet Access Services ("BIAS") and legacy voice services, and its qualifying subscribers are eligible for Tribal Lands Lifeline and Link Up support. WRI's plant and other facilities will allow the Company to provide additional services efficiently to low-income customers in areas bordering its requested high-cost service areas. Accordingly, WRI is supplementing its Petition to specifically request designation as a Tribal Lands Lifeline/Link Up ETC in all of its service area

³ See generally 47 C.F.R. §§ 54.413-54.414.

⁴ See Petition of Northern Arapaho Tribal Industries, Inc. d/b/a Wind River Internet, filed September 26, 2018 ("Petition").

⁵ *Id.* at 8-9.

within the Wind River Indian Reservation, particularly outside of those areas where it will receive CAF Phase II high cost support, but also within CAF Phase II census block group areas.⁶

In support of its Petition, by this Supplement WRI submits the following information:

II. WRI Meets the Requirements to be Designated a Lifeline ETC

A. WRI Is a Common Carrier

WRI is a regulated common carrier as a provider of voice-grade and broadband services.⁷ As discussed in the Petition, WRI has been authorized as a telecommunications carrier by the Northern Arapaho Business Council.⁸ WRI certifies that it is a common carrier under 47 U.S.C. §§214(e)(1) and 214(e)(6) for purposes of its ETC designation.⁹ Accordingly, WRI is not required to submit a five-year plan to provide supported Lifeline services.¹⁰

B. Ability to Function in Emergency Situations

WRI certifies that it has the ability to remain functional in emergency situations.¹¹ WRI incorporates by reference its statements in the Petition regarding its power systems, battery backup, routing and Quality of Service measures.¹²

C. WRI Will Satisfy All Applicable Consumer Protection and Service Quality Standards

Because the Commission has recognized that Connect America Fund Phase II auction bidders already must demonstrate their ability to meet their public interest obligations in their short-form and long-form applications, CAF Phase II winning bidders “need not provide

⁶ By seeking designation as an ETC for Lifeline/Link Up support in areas other than those for which it has been awarded CAF Phase II high cost support, WRI is not waiving any and all eligibility it may have for other Universal Support programs within its rural and high cost service area, including its potential eligibility for support under the Remote Areas Fund or other universal service funding programs that have not as yet been structured nor awarded.

⁷ 47 C.F.R. § 20.9.

⁸ Petition, Ex. B.

⁹ 47 U.S.C. §214(e)(1),(e)(6).

¹⁰ 47 C.F.R. § 54.202(a)(1)(ii).

¹¹ 47 C.F.R. § 54.202(a)(2).

¹² Petition at 13-14.

additional specific evidence of service to the public interest in their petitions for ETC designation.”¹³ Similarly, the Commission has waived, on its own motion, the requirement that a winning bidder seeking ETC designation file a five-year improvement plan and demonstrate that it will satisfy appropriate consumer protection and service quality standards.¹⁴ Nevertheless, WRI has successfully provided advanced services to underserved Tribal areas within the Wind River Indian Reservation since 2011 in accordance with consumer protection and service quality standards. WRI certifies that it will continue to do so and to ensure that all applicable consumer protection and service quality standards are met.

D. WRI Is Financially and Technically Capable of Providing Lifeline Services in Compliance with Commission Rules

WRI certifies that it is technically and financially capable of providing Lifeline Services. WRI has provided telecommunications voice and broadband services to its customers on the Wind River Indian Reservation since 2011. As a winning bidder in the CAF Phase II auction, WRI has demonstrated that it is managed by experienced telecommunications professionals. Additionally, WRI has provided the Commission with financial information as part of its Form 683 application for which it has been found qualified to participate in the CAF Phase II auction. Thus, WRI is financially and technically capable of providing Lifeline services.

E. WRI Will Comply With Applicable Service Requirements, Including Minimum Service Standards

WRI certifies that it will comply with applicable service requirements, including minimum service standards.¹⁵ WRI will make all Lifeline-supported voice and broadband services available to all qualified consumers, in a manner consistent with Commission rules,

¹³ *CAF ETC Public Notice* at 6.

¹⁴ *Id.* at 4-5.

¹⁵ 47 C.F.R. §§ 54.22(a)(10)(i) & 54.408.

including minimum speeds, and minimum minutes of use for voice telephony services.

Specifically, WRI will provide the following service plans to residential customers¹⁶:

- A. For fiber-based broadband service within its CAF Phase II census block groups and outside its CAF Phase II support area where fiber is available:

Residential

100Mb \$59

1Gig \$99

- B. For Lifeline customers in areas outside of its CAF Phase II census block groups, it will offer the following broadband service plan options:¹⁷

Price	Max Download Speed	Max Upload Speed
\$34.95	Bronze 3Mb	1Mb
\$49.95	Silver 6Mb	4Mb
\$89.95	Gold 12Mb	10Mb

WRI will provide the following plans for voice-telephony services:

Price	Service
\$24.95*	Unlimited Local and Long Distance in USA
\$18.95*	Unlimited Local and Long Distance in USA *Discount Price with any Wind River Internet Plan

¹⁶ WRI reserves the right to adjust its service packages in the future, based on market conditions, and to adjust its pricing to reflect the rate of inflation, while keeping its pricing packages reasonably comparable to those offered by other carriers for service packages at a similar performance tier and capacity.

¹⁷ WRI will provide these services as symmetrical speeds at the same prices where fiber is available outside of the CAF Phase II census block areas.

WRI submits that its pricing for Lifeline only service plans offered in non-CAF Phase II areas are reasonably comparable to, if not less, than the service plans it offers or will offer for comparable services at the same performance tiers and latency in high cost areas.¹⁸ These service plans are also reasonably comparable to the service plans offered by other providers in Wyoming, including within the Wind River Reservation.

WRI's voice telephony plans are unlimited in nature, but to the extent that WRI offers plans that include a fixed number of minutes or separate toll services, WRI commits to provide toll limitation services to qualifying low-income consumers as provided in the Rules.¹⁹

These plans are available on WRI's website, www.windriverinternet.com.²⁰ Additionally, WRI understands and acknowledges that it must continue to comply with any updated service standards in the future, and any increase in costs will be at or below statewide average costs for similar services.²¹ WRI will not charge deposits to its Lifeline customers. Because the services are being provided exclusively on Tribal Lands, WRI will seek Link Up reimbursement for any installation charges to provide service to its Lifeline customers.

F. WRI will Advertise the Availability of Its Services and Charges Using Media of General Distribution

¹⁸ If WRI is unable to meet the minimum service standards of 15 downstream/1 Mbps upstream or the applicable standard set by the Commission in the future, WRI will certify its compliance with 47 C.F.R. § 54.408(d), which provides that a fixed broadband provider may receive Lifeline support if it offers a service of at least 4 Mbps downstream/1Mbps upstream in that given area, and the Lifeline funds will be used towards the purchase of its highest performing generally available residential offering, "lexicographically" ranked by upload bandwidth, download bandwidth and usage allowance. WRI acknowledges that if it certifies compliance with §54.408(d) it will be subject to the Commission's audit authority.

¹⁹ 47 C.F.R. §§ 54.400 – 54.423.

²⁰ 47 C.F.R. § 54.202(a)(5).

²¹ 47 C.F.R. § 54.408(d).

As discussed in its Petition, WRI will advertise the availability of, and charges for, its supported service offerings, utilizing media of general distribution, and will undertake outreach initiatives to increase customer awareness of WRI's Lifeline service offering, consistent with all applicable requirements. WRI currently markets its voice and Internet services to its customers via its website to notify the public of the availability of its service offerings.²² WRI also markets its services through advertising on local radio, the local newspaper, *Riverton Ranger*, and *County10*, a web and mobile-based media outlet providing the Fremont County, Wyoming community with news and updates. WRI re-certifies and confirms that it will advertise the availability and charges for the supported service offerings throughout its footprint, including both CAF Phase II-supported service areas, as well as other, non-CAF Phase II-supported areas within the Wind River Indian Reservation.

All materials describing WRI's Lifeline service offerings will include language in conformity with 54.405(c) of the Commission's Rules.²³ In addition, WRI will ensure that its application and certification form will state that subscribers who willfully make a false statement in order to obtain the Lifeline benefit can be barred from the program or punished by fine or imprisonment.

G. WRI Will Comply With Additional Lifeline ETC Obligations Including Lifeline Eligibility Requirements.

WRI is aware of and acknowledges the Commission's requirements regarding certification of a customer's eligibility to receive Lifeline services, and will implement

²² See www.windriverinternet.com.

²³ 47 C.F.R. § 54.405(c) provides that the Lifeline provider will "[i]ndicate on all materials describing the service, using easily understood language, that it is a Lifeline service, that Lifeline is a government assistance program, the service is non-transferable, only eligible consumers may enroll in the program, and the program is limited to one discount per household. For the purposes of this section, the term 'materials describing the service' includes all print, audio, video, and web materials used to describe or enroll in the Lifeline service offering, including application and certification forms."

procedures to ensure that the requirements are met.²⁴ WRI has procedures in place to maintain certification records and associated documents, enrollment and verification of customers, and de-enrollment and duplication of benefits.²⁵ WRI will validate any Lifeline applicant against the National Lifeline Accountability Database (“NLAD”) and utilize the National Lifeline Verifier to confirm eligibility prior to initiating service in accordance with Commission rules.²⁶ WRI will comply with annual certification and reporting requirements and other Commission-mandated measures to prevent waste, fraud, and abuse of Lifeline services.²⁷

III. PUBLIC INTEREST

WRI is a Tribally-owned and operated broadband and voice telephony provider, authorized as a telecommunications carrier on the Wind River Indian Reservation in Wyoming. As stated in its Petition, WRI already provides advanced services to underserved Tribal areas within the Wind River Indian Reservation, having done so continuously since 2011, and in accordance with consumer protection and service quality standards. WRI has demonstrated its commitment to expand voice and broadband services to Tribal residents within the Wind River Indian Reservation, including investing in significant new telecommunications middle and last mile fiber deployment, and as illustrated by its service offerings over the past seven years to Tribal residents. WRI thereby does satisfy the public interest requirements for ETC certification. Further, grant of the Petition, as amended by this Supplement, will enable WRI to provide services to qualified Tribal Lands Lifeline-eligible customers both within and without the CAF Phase II supported high cost areas within WRI’s entire service area.²⁸ WRI’s service offerings

²⁴ 47 C.F.R. § 54.405(c).

²⁵ 47 C.F.R. §§ 54.405(e), 54.410(d)-(f).

²⁶ 47 C.F.R. § 54.410(b)(2).

²⁷ 47 C.F.R. §§ 54.416, 54.422.

²⁸ As a winning bidder in the CAF Phase II auction, WRI has already committed to providing Lifeline services to eligible customers within the CAF Phase II support areas in its Petition. Petition at 11-12.

will expand access to the Internet to low-income customers who otherwise may not have the opportunity to access broadband services. This will allow these customers to communicate with employers, family and friends, help their children complete homework tasks, and research employment opportunities, which they otherwise would be unable to do. Additionally, because WRI is an established facilities-based provider in these Tribal areas of the Wind River Reservation, it has the ability and experience to provide these services in a cost-efficient manner. Therefore, the grant of WRI's ETC Petition is in the public interest.

IV. DRUG ABUSE ACT CERTIFICATION

WRI certifies that no party to this Petition is subject to denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

V. CONCLUSION

As discussed above, designating WRI as an ETC to offer Tribal Lands Lifeline services in areas within its service area where it is not receiving CAF Phase II high cost support on the Wind River Indian Reservation is consistent with the requirements of Section 214(e)(6) of the Act, Commission rules and precedent, and is in the public interest. WRI respectfully requests that the Commission expeditiously approve its Petition, as amended by this Supplement, so that CAF Phase II high cost support and Tribal Lands Lifeline and Link Up funding will flow as soon as possible to support buildout of broadband infrastructure and related services Tribal residents within WRI's service area.

Respectfully submitted,

**NORTHERN ARAPAHO TRIBAL
INDUSTRIES, INC. d/b/a WIND RIVER
INTERNET**

By: 

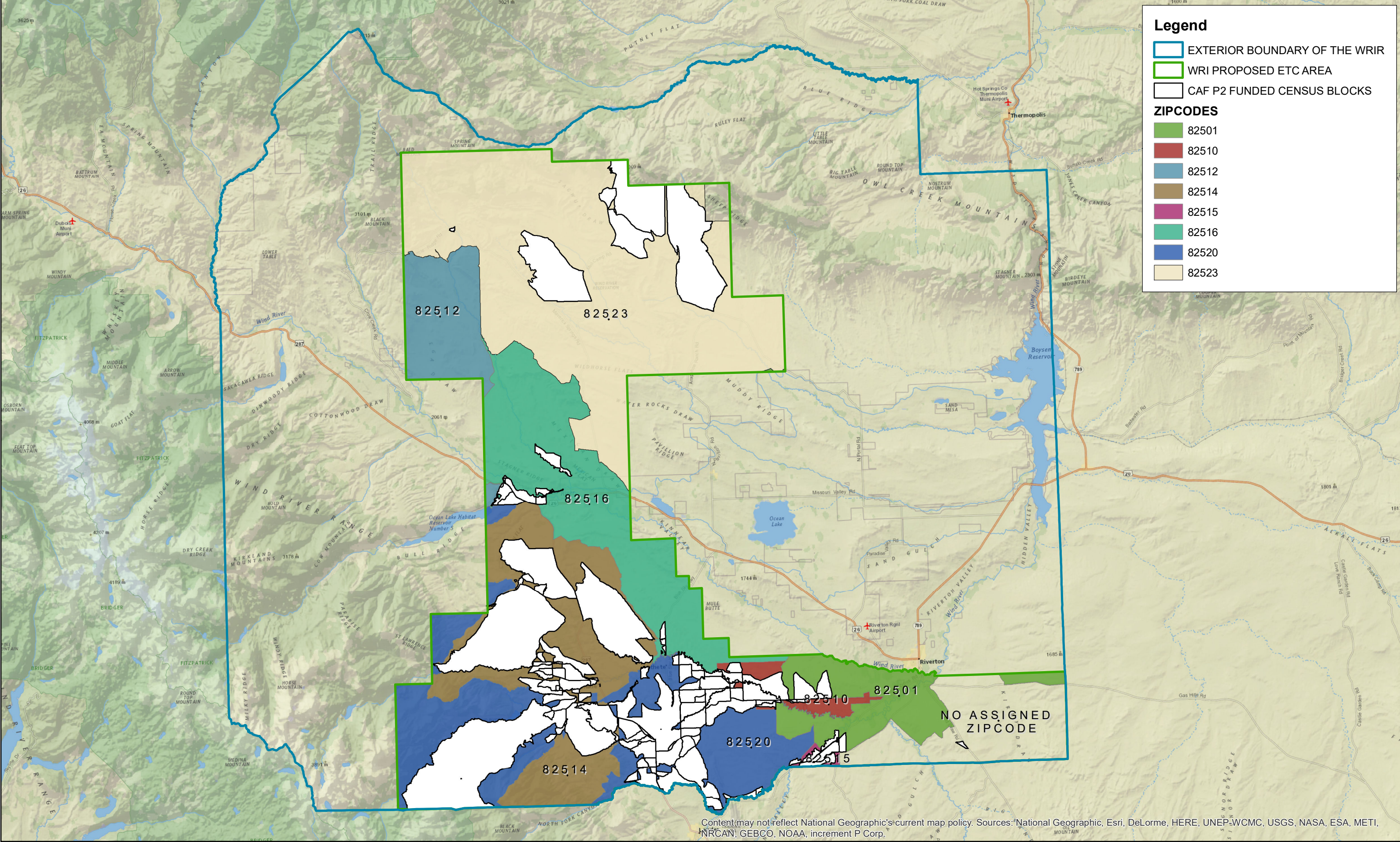
Douglas G. Bonner
Katherine Barker Marshall
Potomac Law Group, P.L.L.C.
1300 Pennsylvania Avenue NW, Suite 700
Washington, DC 20004
Telephone: (202) 352-7500
Facsimile: (202) 318-7707
E-mail: dbonner@potomacclaw.com
kmarshall@potomacclaw.com

Its Counsel

February 27, 2019

Supplement Exhibit A

Areas Where WRI Seeks Lifeline-Only ETC Designation



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SUPPLEMENTAL DECLARATION OF ERNEST M. LAWSON

I, Ernest M. Lawson, declare as follows:

1. I am over the age of 18, have personal knowledge of the matter set forth below, and am competent to be a witness herein. I submit this declaration in support of the Supplemental Petition of Northern Arapaho Tribal Industries, Inc. d/b/a Wind River Internet for Designation as a Lifeline-Only Eligible Telecommunications Carrier ("ETC") for Lifeline Service ("Petition"), filed herewith.
2. I am the Chief Executive Officer and Chairman of the Board of Directors of WRI. My business address is 98 Gas Hills Road, Riverton, WY 82501.
3. The purpose of my Declaration is to affirm the facts and certifications required, pursuant to 47 C.F.R. §§54.201-202 for WRI to obtain Lifeline-only ETC designation.
4. I have reviewed the Supplemental Petition of WRI, and to the best of my knowledge, the facts stated therein are true and correct.
5. I certify that WRI will provide Lifeline service to eligible customers within its service area.
6. WRI will provide voice-grade access to the public switched telephone network as part of its service package, which will allow customers to originate and terminate calls within a local calling area without incurring toll charges.
7. WRI will provide toll limitation services, as required by 47 C.F.R. 54.401(a)(2), if its package offerings to the extent that they distinguish between local and toll calls at the point of dialing.

8. WRI will provide access to emergency services that will allow its customers to deliver automatic numbering information and automatic location information over the WRI network to Public Safety Answering Points (PSAPs) that are capable of receiving and processing such information consistent with applicable state and federal E911 requirements.

9. WRI will be able to function in emergency situations as set forth in 47 C.F.R. § 54.202(a)(2). WRI's network will have a reasonable amount of back-up power to ensure functionality without an external power source. WRI is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.

10. WRI will advertise the availability of, and charges for, its supported service offerings, utilizing media of general distribution, and will undertake outreach initiatives to increase customer awareness of WRI's Lifeline service offering, consistent with all applicable requirements.

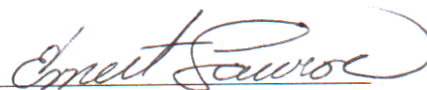
11. WRI will comply with all Commission-mandated requirements to determine eligibility of customers and maintain records of the same.

11. WRI is financially and technically capable of providing these telecommunications services and, as a winning bidder in FCC Auction 903, has demonstrated its ability to efficiently offer service.

12. Copies of this Supplemental Petition have been served upon the Parties listed on the Certificate of Service.

13. I certify, to the best of my knowledge, that no part to this Supplemental Petition is subject to the denial of federal benefits, include FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

I declare under penalty of perjury that the foregoing is true and correct.


Ernest M. Lawson

Signed this 25 day of February, 2019 at Riverton, WY.

Certificate of Service

I hereby certify that I, Katherine Barker Marshall, have caused the Supplement to the Petition of Northern Arapaho Tribal Industries, Inc. d/b/a Wind River Internet for Certification as an Eligible Telecommunications Carrier, Pursuant to Section 214(e)(6) of the Act served via overnight courier on February 27, 2019 to the following persons:

Mr. Lee Spoonhunter, Co-Chairman
Northern Arapaho Business Council
533 Ethete Rd # 8480
Ethete, Wyoming 82520

Chairman Clint Wagon
Eastern Shoshone Business Council
#14 North Fork Road
Fort Washakie, WY 82514

Mr. John Burbridge, Supervisor-Attorney
Wyoming Public Service Commission
Hansen Building
25145 Warren Avenue, Suite 300
Cheyenne, WY 82002



Katherine Barker Marshall